

Item # 48

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** Hattaway Rezone & Land Use Amendment, Request for Small Scale Land Use Amendment from LDR (Low Density Residential) and PUB (Public) to Industrial, and Rezone from A-1 (Agriculture) to C-3 (General Commercial & Wholesale District) (James Hattaway, applicant)

**DEPARTMENT:** Planning & Development **DIVISION:** Planning

**AUTHORIZED BY:** Donald Fisher **CONTACT:** Jeff Hopper EXT. 7431

Agenda Date 4/08/03 Regular  Consent  Work Session  Briefing   
Public Hearing – 1:30  Public Hearing – 7:00

**MOTION/RECOMMENDATION:**

1. Enact an ordinance to APPROVE the requested Small Scale Land Use Amendment from LDR (Low Density Residential) and PUB (Public) to Industrial, and Rezone from A-1 to C-3 on 1.12 acres located on the east side of CR 427, 0.2 mile south of Longwood-Lake Mary Road (James Hattaway, applicant); or
2. DENY the requested Small Scale Land Use Amendment from LDR (Low Density Residential) and PUB (Public) to Industrial, and Rezone from A-1 to C-3 on 1.12 acres located on the east side of CR 427, 0.2 mile south of Longwood-Lake Mary Road (James Hattaway, applicant); or
3. Continue the item to a time and date certain.

(District 4 – Comm. Henley)

(Jeff Hopper, Senior Planner)

**BACKGROUND:**

The applicant requests a change in future land use designation from LDR and PUB to Industrial and a rezone from A-1 to C-3. Development plans for the site have not been specified, but the requested change in land use would permit general industrial uses including manufacturing and warehousing on the 1.12 acre site. The requested C-3 zoning permits wholesale distribution, storage and light manufacturing.

The subject property is adjacent to an electric substation on the east and CR 427 on the west. The site is located in a highly visible location adjacent to an arterial road, and is probably suitable for some type of nonresidential use.

Reviewed by:	<u>KCC</u>
Co Atty:	<u>                    </u>
DFS:	<u>                    </u>
OTHER:	<u>                    </u>
DCM:	<u>                    </u>
CM:	<u>                    </u>
File No.	<u>ph130pdp05</u>

Abutting property to the south and southeast is classified as LDR by the Vision 2020 Plan. Ordinarily this situation would result in a finding of incompatibility for the proposed Industrial land use and C-3 zoning. However, the adjoining property to the south is owned by Seminole County and is in use as a retention pond. Lying to the east, also within the LDR designation, is a Florida Power electric substation. Neither property functions as LDR, nor is likely to be put to residential use in the near future. A change in land use designation, bringing these properties into a more appropriate classification, should be considered.

**STAFF RECOMMENDATION:**

Staff recommends APPROVAL of the request per the attached staff report.

**MINUTES FOR THE SEMINOLE COUNTY  
LPA/P&Z COMMISSION  
MARCH 5, 2003**

**Members present:** Alan Peltz, Dick Harris, Chris Dorworth, Thomas Mahoney, Ben Tucker, Beth Hattaway, Dudley Bates

**Also present:** Matt West, Planning Manager, Rob Walsh, Principal Coordinator Planning Division, Jeff Hopper, Senior Planner, Cynthia Sweet, Planner, Tony Matthews, Principal Planner, Mahmoud Najda, Development Review Manager, Karen Consalo, Deputy County Attorney, and Candace Lindlaw-Hudson, Senior Staff Assistant

**C. Hattaway Rezone and Land Use Amendment; James Hattaway, applicant; 1.12 Acres; Small Scale Land Use Amendment from LDR (Low Density Residential) and PUB (Public) to Industrial; and rezone from A-1 (Agriculture) to C-3 (General Commercial and Wholesale District); east side of CR 427, 0.2 mile south of Longwood – Lake Mary Road.**

Commissioner Henley – District 4

Jeff Hopper, Senior Planner

Jeff Hopper introduced the request and location of the request. The site is approximately 1.12 acres on the east side of CR 427. Mr. Hopper stated that the applicant has not specified any specific development proposal at this time. Mr. Hopper stated that the request would allow for heavy commercial uses such as wholesaling and storage on the site. The principal issue brought out in the staff report is in regard to low density residential uses on the south and east. The requested land use is not considered compatible with LDR according to the Vision 2020 Plan, however the adjoining uses on the south and east do not function as LDR despite their land use designation. They are a retention pond and a power station. For that reason Staff recommends approval of the request.

Commissioner Hattaway declared a conflict of interest on this item and left the dais.

Mr. Mike Hattaway spoke on behalf of the applicant. He stated that he was there to answer questions from the Board.

Commissioner Mahoney stated that he concurred with the land use change, but the C-3 zoning is one that is not given out very often. There are limits that what can be developed on this site. He asked if Mr. Hattaway had any plans.

Mr. Hattaway stated that he did not have any plans. He was seeking to bring the property into compliance with other properties around it. Across the street is C-3 zoning. Behind that is industrial in the City of Longwood. He wants the same zoning as his neighbors.

**Commissioner Peltz made a motion to approve the request.**

**Commissioner Harris seconded the motion.**

Commissioner Mahoney expressed concern that some uses of the C-3 zoning may not be appropriate for the 427 corridor. He will vote in favor of the land use and the motion.

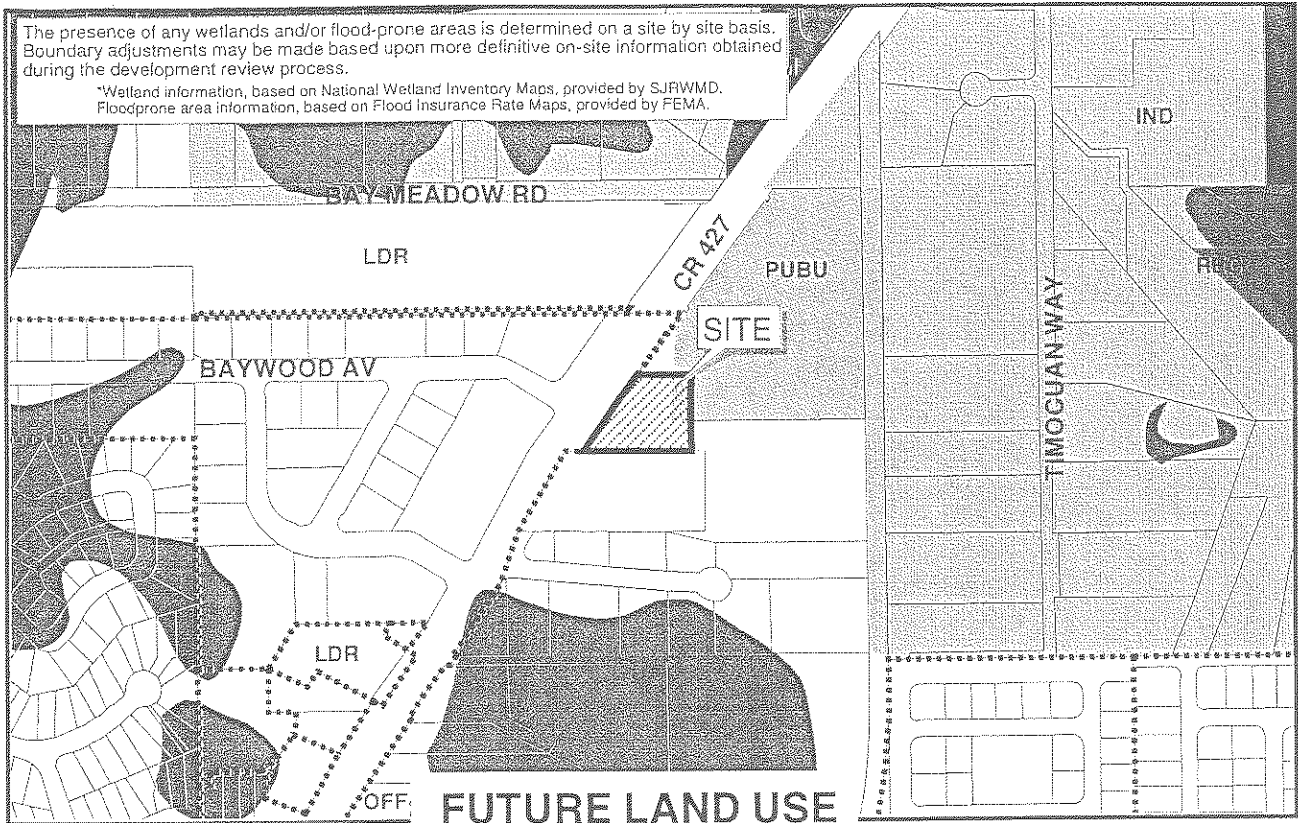
Commissioner Tucker stated that there is C-3 zoning in the area and that much of it had been owned or developed by the Hattaway family. The Commissioner expressed faith applicant to develop the land appropriately for the area. He will be in favor of the motion.

**The motion was unanimously approved.** Commissioner Beth Hattaway did not vote.

Commissioner Hattaway now returned to the dais.

The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.

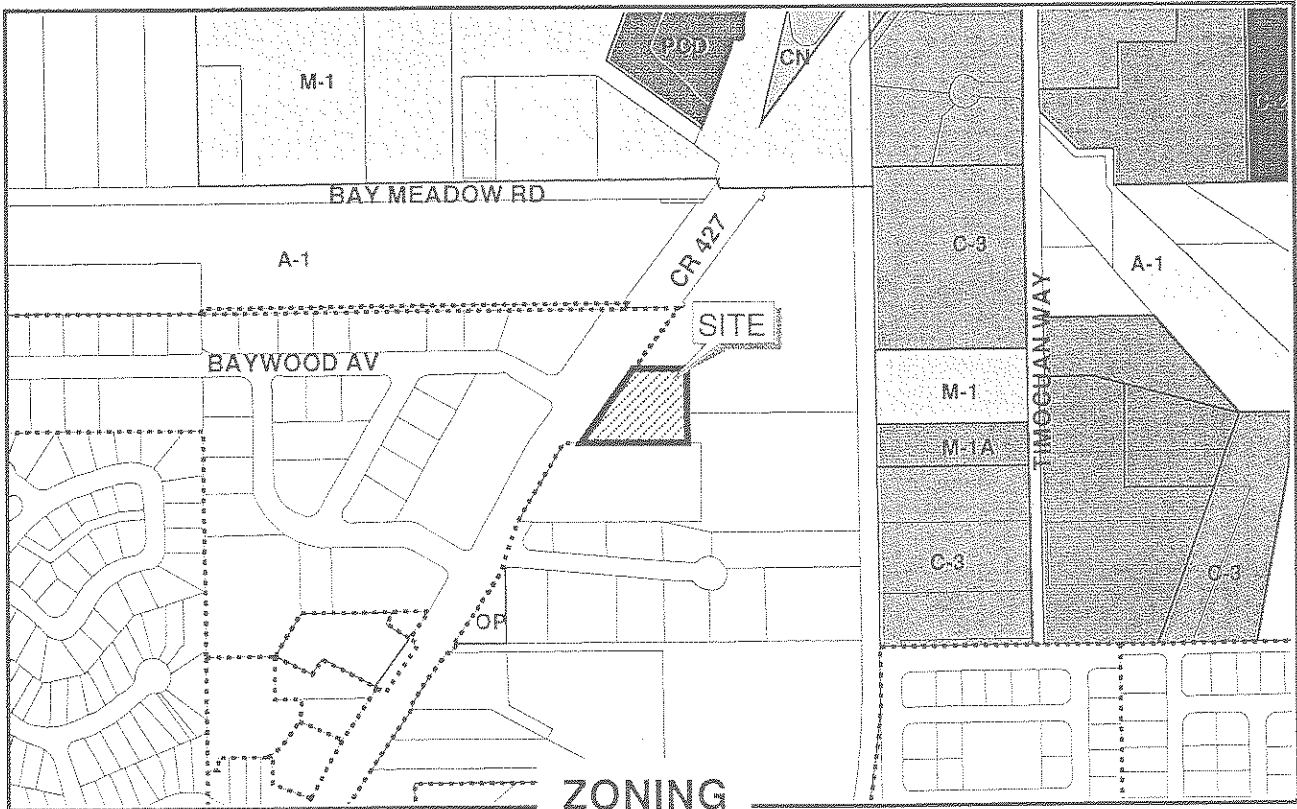
\*Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.  
Floodprone area information, based on Flood Insurance Rate Maps, provided by FEMA.



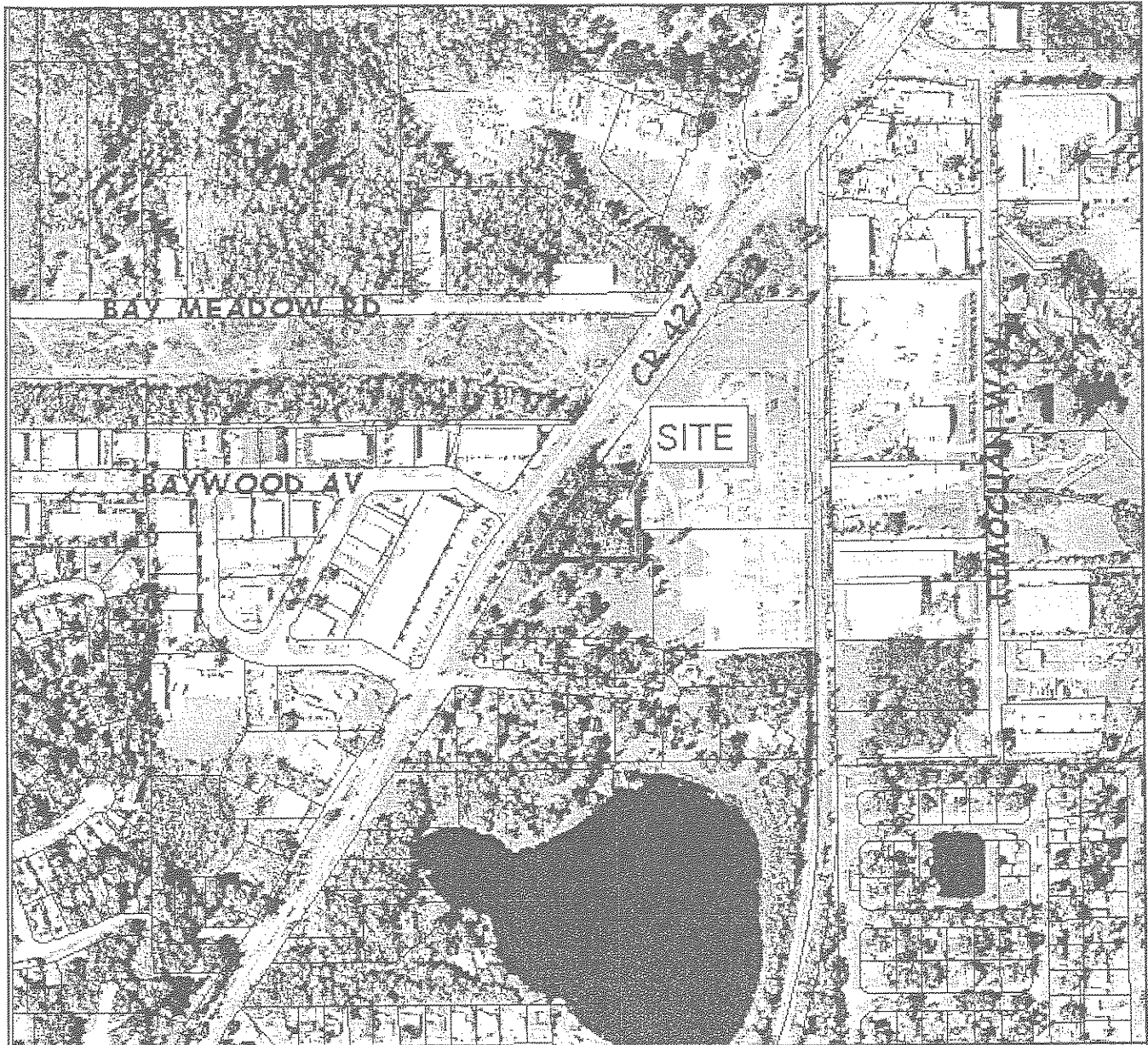
Site 
  Municipality 
  COM 
  LDR 
  OFF 
  IND 
  PUBU 
  REC 
  CONS

Applicant: James Hattaway  
 Physical STR: 29-20-30-300-0010-0000  
 Gross Acres: 1.12 BCC District: 4  
 Existing Use: State/Other  
 Special Notes: \_\_\_\_\_

	Amend/ Rezone#	From	To
FLU	01-03SS.03	LDR/PUBU	IND
Zoning	Z2003-003	A-1	C-3



A-1 
  M-1 
  M-1A 
  OP 
  PCD 
  CN 
  C-3 
  C-2





Amendment No. 01-03SS.03

From: LDR To: IND

Rezone No. Z2003-003

From: A-1 To: C-3

 Subject Property

 Parcelbase



February 1999 Color Aerials

# *Hattaway Rezone and Land Use Amendment Staff Report*

<b>Low Density Residential (LDR) and Public (PUB) to Industrial</b>		<b>Amendment (Z2003-003 01-03SS.03)</b>
<b>REQUEST</b>		
<b>APPLICANT</b>	James Hattaway	
<b>PLAN AMENDMENT REZONING</b>	Low Density Residential (LDR) and Public (PUB) to Industrial A-1 to C-3	
<b>APPROXIMATE GROSS ACRES</b>	1.12	
<b>LOCATION</b>	East side of CR 427, 0.2 mile south of Longwood-Lake Mary Road	
<b>BCC DISTRICT</b>	District 4 – Henley	
<b>RECOMMENDATIONS AND ACTIONS</b>		
<b>PLANNING &amp; ZONING COMMISSION RECOMMENDATION March 5, 2003</b>	The Planning & Zoning Commission voted 6-0 to recommend APPROVAL of the request.	
<b>STAFF RECOMMENDATION</b>	Recommend APPROVAL of the Industrial future land use designation and rezoning from A-1 to C-3, as proposed, on subject property on the east side of CR 427, 0.2 mile south of Longwood-Lake Mary Road.	

## **STAFF ANALYSIS**

<b>Low Density Residential (LDR) and Public (PUB) to Industrial</b>		<b>Amendment (Z2003-003 01-03SS.03)</b>
---	--	---

1. Property Owner: Florida Department of Agriculture/Division of Forestry

2. **Tax Parcel Number:** 29-20-30-300-0100-0000

3. **Development Trends:** Development along this section of CR 427 is largely commercial in nature, with retail uses opposite the subject property in the City of Longwood. Abutting the site are an electric power substation to the east and a County retention pond to the south. Aside from the power facility, there are existing industrial and heavy commercial uses in the vicinity, lying north of Bay Meadow Road and east of a CSX railroad right-of-way 500 feet from the site.

### SITE DESCRIPTION

1. **EXISTING AND PERMITTED USES:** The future land use designations of Low Density Residential and Public, currently assigned to the subject property, permit single family residential development at a maximum density of 4 dwelling units per acre, and public utility sites. Existing A-1 zoning allows agricultural and related low-intensity uses. The subject property contains a single family home.

Location	Future Land Use*	Zoning*	Existing Use
Site	LDR, PUB	A-1	single family residential
North	LDR, PUB	A-1	vacant
South	LDR	A-1	Seminole County retention pond
East	LDR, PUB	A-1	electric substation
West	CR 427, City of Longwood	--	retail commercial

• See enclosed future land use and zoning maps for more details.

### COMPREHENSIVE PLAN CONSISTENCY

2. **PLAN PROGRAMS** - Plan policies address the continuance, expansion and initiation of new government service and facility programs, including, but not limited to, capital facility construction. Each application for a land use designation amendment will include a description and evaluation of any Plan programs (such as the effect on the timing/financing of these programs) that will be affected by the amendment if approved.

**Summary of Program Impacts:** The proposed amendment does not alter the options or long-range strategies for facility improvements or capacity additions included in the Support



Documentation to the Vision 2020 Plan. The amendment request would not be in conflict with the Metroplan Orlando Plan or the Florida Department of Transportation's 5-Year Plan (Transportation Policy 14.1).

A. **Traffic Circulation - Consistency with Future Land Use Element:** *In terms of all development proposals, the County shall impose a linkage between the Future Land Use Element and the Transportation Element and all land development activities shall be consistent with the adopted Future Land Use Element (Transportation Policy 2.1).*

Access to the subject property is via CR 427, an Arterial road. The existing Level of Service (LOS) on this portion of CR 427 is "C", with an adopted LOS standard of "E".

B. **Water and Sewer Service – Adopted Potable Water and Sanitary Sewer Service Area Maps:** *Figure 11.1 and Figure 14.1 are the water and sewer service area maps for Seminole County*

The subject property is within the Seminole County water and sewer service area. Water and sewer service are currently available to the site

C. **Public Safety – Adopted Level of Service:** *The County shall maintain adopted levels of service for fire protection and rescue...as an average response time of five minutes (Public Safety Policy 12.2.2).*

The property is served by the Seminole County EMS/Fire Station #35. Response time to the site is less than 5 minutes, which meets the County's average response time standard of 5 minutes.

**3. REGULATIONS** - The policies of the Plan also contain general regulatory guidelines and requirements for managing growth and protecting the environment. These guidelines will be used to evaluate the overall consistency of the land use amendment with the Vision 2020 Plan, but are not applied in detail at this stage.

A. **Preliminary Development Orders: Capacity Determination:** *For preliminary development orders and for final development orders under which no development activity impacting public facilities may ensue, the capacity of Category I and Category III public facilities shall be determined as follows...No rights to obtain final development orders under which development activity impacting public facilities may ensue, or to obtain development permits, nor any other rights to develop the subject property shall be deemed to have been granted or implied by the County's approval of the development order without a determination having previously been made that the capacity of public facilities will be available in accordance with law (Implementation Policy 1.2.3).*

A review of the availability of public facilities to serve this property indicates that there would be adequate facilities to serve this area, and that the proposed Plan amendment would create no adverse impacts to public facilities.

**B. Flood Plain and Wetlands Areas - Flood Plain Protection and Wetlands Protection:** *The County shall implement the Conservation land use designation through the regulation of development consistent with the Flood Prone (FP-1) and Wetlands (W-1) Overlay Zoning classifications...(Policy FLU 1.2 and 1.3).*

The site contains less than 5% wetlands or flood prone areas, and can be developed within requirements of the Vision 2020 Plan and Land Development Code.

**C. Protection of Endangered and Threatened Wildlife:** *The County shall continue to require, as part of the Development Review Process, proposed development to coordinate those processes with all appropriate agencies and comply with the US Fish and Wildlife Service and the Florida Fish and Wildlife Conservation Commission Rules as well as other applicable Federal and State Laws regarding protection of endangered and threatened wildlife prior to development approval (Conservation Policy 3.13).*

A threatened and endangered species report shall be required prior to final engineering approval for any proposed development on the subject property.

**4. DEVELOPMENT POLICIES** - Additional criteria and standards are also included in the Plan that describe when, where and how development is to occur. Plan development policies will be used to evaluate the appropriateness of the use, intensity, location, and timing of the proposed amendment.

**A. Compatibility:** When the County's Future Land Use Map (FLUM) was developed in 1987, land use compatibility issues were evaluated and ultimately defined through a community meeting/hearing process that involved substantial public comment and input. When amendments are proposed to the FLUM, however, staff makes an initial evaluation of compatibility, prior to public input and comment, based upon a set of professional standards that include, but are not limited to criteria such as: (a) long standing community development patterns; (b) previous policy direction from the Board of County Commissioners; (c) other planning principles articulated in the Vision 2020 Plan (e.g., appropriate transitioning of land uses, protection of neighborhoods, protection of the environment, protection of private property rights, no creation of new strip commercial developments through plan amendments, etc.).

Based upon an initial evaluation of compatibility, the proposed Industrial land use would not be compatible with the LDR designation on adjoining properties to the east and south. However, these properties are in use as, respectively, a County retention pond and an electric power substation, and do not function as residential property. In this case, the incompatibility between Industrial and LDR land uses would more appropriately be resolved through a land use amendment on the adjacent parcels.

Applicable Plan policies include, but are not limited to, the following:

**Transitional Land Uses:** *The County shall evaluate plan amendments to insure that transitional land uses are provided as a buffer between residential and non-residential*

uses, between varying intensities of residential uses, and in managing the redevelopment of areas no longer appropriate as viable residential areas. "Exhibit FLU: Appropriate Transitional Land Uses" is to be used in determining appropriate transitional uses. (Policy FLU 2.5)

"Exhibit FLU: Appropriate Transitional Land Uses" indicates that Industrial is not an appropriate transitional use adjacent to Low Density Residential (LDR). (Adjoining LDR lands, however, are actually developed in public or utility-type uses and are not being used consistently with their official designation.)

Other applicable plan policies include:

*FLU 2.1 Subdivision Standards.*

*FLU 2.2: Regulation of Active Uses.*

*FLU 5.5: Water and Sewer Service Expansion*

*Industrial Future Land Use Definition*

**B. Concurrency Review - Application to New Development:** *For purposes of approving new development subsequent to adoption of this Comprehensive Plan, all adopted public facilities level of service standards and schedules of capital improvements...shall be applied and evaluated...consistent with policies of the Implementation Element... (Capital Improvements Policy 3.2).*

This policy provides for the adoption of level of service (LOS) standards for public facilities and requires that final development orders be issued only if public facilities meeting the adopted LOS are available or will be available concurrent with the development. Additionally, preliminary development orders shall only be issued with the condition that no rights to obtain final development orders or development permits, nor any other rights to develop the subject property are granted or implied by the County's approval of the preliminary development order.

**STAFF RECOMMENDATION:**

Staff recommends APPROVAL of the request.

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) ZONING CLASSIFICATION THE C-3 (GENERAL COMMERCIAL AND WHOLESALE) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

**Section 1. LEGISLATIVE FINDINGS.**

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled "Hattaway Rezone and Land Use Amendment Staff Report."

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

**Section 2. REZONINGS.** The zoning classification assigned to the following described property is changed from A-1 (Agriculture) to C-3 (General Commercial and Wholesale):

**LEGAL DESCRIPTION ATTACHED EXHIBIT A**

**Section 3. CODIFICATION.** It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

**Section 4. SEVERABILITY.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**Section 5. EFFECTIVE DATE.** A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective upon filing with the Department of State.

ENACTED this 8th day of April, 2003.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Daryl G. McLain  
Chairman

## EXHIBIT A LEGAL DESCRIPTION

### LEGAL DESCRIPTION:

A parcel of land in Seminole County, Florida more particularly described as follows:

Beginning at a point on the South line of the NE1/2 of NE1/4 of SW1/4, Section 29, Township 20 South, Range 30 East, 41.1 feet East of the Centerline of Old Sanford-Orlando Brick Road, Run E. 330.83 feet, N. 160.6 feet, W. 211.63 feet to the Easterly right-of-way line of Old Sanford-Orlando Brick Road, thence along same 200 feet to the Point of Beginning.

AND

Begin at a point on the East line of the NE1/4 of the SW1/4 of Section 29, Township 20 South, Range 30 East, said point being 653.53 feet South 01 25' 44" East from the Northeast Corner of Said NE1/4 of the SW1/4 of said Section 29; thence run South 89' 52' 08.5" West 263.03 feet to the Easterly right-of-way line of Old Orlando Road; thence run Southwesterly along said right-of-way line 75.81 feet; thence run North 89' 52' 08.5" East 377.48 feet; thence run North 0' 25' 44" West 60.0 feet; thence run South 89 52'08.5" West 67.80 feet to the Point of Beginning.

LESS AND EXCEPT,

A part of the property described in Official Record Book 692, Page 488, as recorded in the Public Records of Seminole County, Florida, being that portion of Section 29, Township 20 South, Range 30 East, described as follows:

Commencing at the Northwest corner of the Northwest 1/4 of the Southeast 1/4 of said Section 29; thence North 89' 27' 17" East a distance of 260.97 feet along the North line of the Northwest 1/4 of the Southeast 1/4 of said Section 29 to a point on the East Right of Way line of County Road 427 as shown on F.D.O.T. Right of Way Map, Section 77510-2605; thence South 3711 1 0' 21 " West a distance of 581.08 feet along said East Right of Way line of County Road 427; thence North 520 49' 40" West a distance of 1 0 feet along said East Right of Way line; thence South 370 1 0' 20" West a distance of 45.78 feet along said East Right of Way line to a point on the North line of that parcel of land described in Official Record Book 692, Page 488, of the Public Records of Seminole County, Florida, and to the POINT OF BEGINNING; thence leaving said, Right of Way line South 8911 49' 36" East a distance of 51.86 feet along said North line; to the beginning of a curve concave to the Southeast, having a radius of 4338.38 feet, a central angle of 030 31' 42", and a chord of 267.11 feet that bears South 330 29' 40" West; thence leaving said North line Southwest along the arc of said curve 267.15 feet to a point on the North line of Tract A, Nelson's Lakeview Heights 2<sup>nd</sup> Replat, as recorded in Plat Book 14, Page 27, of the Public Records of Seminole County, Florida and to the end of said curve; thence South 890 44' 37" West a distance of 67.58 feet along said North line of Tract A. to a point on aforementioned Right of Way line and to the beginning on a curve concave to the Southeast, having a radius of 1870.08 feet, a central angle of 040 08' 42", and a chord of 135.23 feet that bears North 350 06' 01" East; thence Northeast along the arc of said curve and said East Right of Way line 135.26 feet to the end of said curve; thence North 371 10' 21" East a distance of 141.28 feet along said East Right of Way line, to the POINT OF BEGINNING.

SUBJECT TO A DRAINAGE AND UTILITY EASEMENT

A part of the property described in Official Record Book 692, Page 488, as recorded in the Public Records of Seminole County, Florida, being that portion of Section 29, Township 20 South, Range 30 East, described as follows:

Commencing at the Southwest corner of Lot 4, Spring Hammock Industrial Park as recorded in Plat Book 19, Page 83 of the Public Records of Seminole County, Florida said point being the East line of the Seaboard

Coastline Railroad; thence South 00° 43' 10" East a distance of 67.35 feet along the East line of the Seaboard Coastline Railroad to a point of the South line of the Northeast  $\frac{1}{4}$  of Section 29, thence leaving said East line, South 89° 27' 17" West a distance of 309.62 feet along said South line of the Northeast  $\frac{1}{4}$ , thence leaving said South line, North 37° 01' 21" East a distance of 473.21 feet to the beginning of a curve to the Southeast, having a radius of 4338.38 feet, a central angle of 010° 41' 25", and a chord of 127.99 feet that bears South 36° 19' 37" West; thence Southeast along the arc of said curve 127.99 feet; thence South 54° 31' 05" East a distance of 10.03 feet; thence South 35° 28' 55" West a distance of 9.83 feet to a point of the North line of the parcel of land described in Official Record Book 692, Page 488 of the Public Records of Seminole County, Florida and the POINT OF BEGINNING; thence North 89° 49' 36" West a distance of 8.53 feet along said North line; thence leaving said North line South 54° 11' 42' 47" East a distance of 6.96 feet; thence North 35° 28' 55" East a distance of 4.91 feet to a point of the POINT OF BEGINNING.

AN ORDINANCE AMENDING THE SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN BY VIRTUE OF A SMALL SCALE DEVELOPMENT AMENDMENT; CHANGING THE FUTURE LAND USE DESIGNATION ASSIGNED TO CERTAIN PROPERTIES FROM LOW DENSITY RESIDENTIAL AND PUBLIC TO INDUSTRIAL; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM THE SEMINOLE COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Board of County Commissioners of Seminole County enacted Ordinance Number 2001-21 which adopted the Vision 2020 Seminole County Comprehensive Plan ("the Plan"); and

**WHEREAS**, the Board of County Commissioners has followed the procedures set forth in Sections 163.3184 and 163.3187, Florida Statutes, in order to further amend certain provisions of the Plan as set forth herein relating to a Small Scale Development Amendment; and

**WHEREAS**, the Board of County Commissioners has substantially complied with the procedures set forth in the Implementation Element of the Plan regarding public participation; and

**WHEREAS**, the Seminole County Land Planning Agency held a Public Hearing, with all required public notice, on March 5, 2003, for the purpose of providing recommendations to the Board of County Commissioners with regard to the Plan amendment set forth herein; and



**WHEREAS**, the Board of County Commissioners held a Public Hearing on April 8, 2003, with all required public notice for the purpose of hearing and considering the recommendations and comments of the general public, the Land Planning Agency, other public agencies, and other jurisdictions prior to final action on the Plan amendment set forth herein; and

**WHEREAS**, the Board of County Commissioners hereby finds that the Plan, as amended by this Ordinance, is internally consistent, is consistent and compliant with the provisions of State law including, but not limited to, Part II, Chapter 163, Florida Statutes, the State Comprehensive Plan, and the Strategic Regional Policy Plan of the East Central Florida Regional Planning Council, based upon the "Hattaway Rezone and Land Use Amendment Staff Report".

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. RECITALS/LEGISLATIVE FINDINGS:

- (a) The above recitals are true and correct in form and include legislative findings which are a material part of this Ordinance.
- (b) The Board of County Commissioners hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. AMENDMENT TO COUNTY COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION:

- (a) The Future Land Use Element's Future Land Use Map as set forth in Ordinance Number 2001-21, as previously amended, is hereby further amended by

amending the future land use designation assigned to the property which is depicted on the Future Land Use Map and further described below:

LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A"

<u>Amendment Number</u>	<u>Amendment</u>
01-03SS.03	Amendment from Low Density Residential and Public to Industrial

(b) The associated rezoning request was completed by means of Ordinance Number 2003-\_\_\_\_.

Section 3. SEVERABILITY:

If any provision of this Ordinance or the application to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.

Section 4. EXCLUSION FROM COUNTY CODE/CODIFICATION:

(a) It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall not be codified into the Seminole County Code, but that the Code Codifier shall have liberal authority to codify this Ordinance as a separate document or as part of the Land Development Code of Seminole County in accordance with prior directions given to said Code Codifier.

(b) The Code Codifier is hereby granted broad and liberal authority to codify and edit the provisions of the Seminole County Comprehensive Plan, as amended.

Section 5. EFFECTIVE DATE:

(a) A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66 and 163.3187, Florida Statutes.

(b) This Ordinance shall take effect upon:

Filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners; provided, however, that the effective date of the Plan amendment set forth herein shall be thirty-one (31) days after the date of enactment by the Board of County Commissioners or, if challenged within thirty (30) days of enactment, when a final order is issued by the Florida Department of Community Affairs or the Administration Commission determining that the amendment is in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land use dependent on an amendment may be issued or commence before an amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, the affected amendment may nevertheless be made effective by the Board of County Commissioners adopting a resolution affirming its effective status, a copy of which resolution shall be provided to the Florida Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100 by the Clerk of the Board of County Commissioners; and,

ENACTED this 8<sup>th</sup> day of April, 2003.

BOARD OF COUNTY COMMISSIONERS  
OF SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Daryl G. McLain,  
Chairman

## EXHIBIT A

### LEGAL DESCRIPTION:

A parcel of land in Seminole County, Florida more particularly described as follows:

Beginning at a point on the South line of the N1/2 of NE1/4 of SW1/4, Section 29, Township 20 South, Range 30 East, 41.1 feet East of the Centerline of Old Sanford-Orlando Brick Road, Run E. 330.83 feet, N. 160.6 feet, W. 211.63 feet to the Easterly right-of-way line of Old Sanford-Orlando Brick Road, thence along same 200 feet to the Point of Beginning.

AND

Begin at a point on the East line of the NE1/4 of the SW1/4 of Section 29, Township 20 South, Range 30 East, said point being 653.53 feet South 01 25' 44" East from the Northeast Corner of Said NE1/4 of the SW1/4 of said Section 29; thence run South 89' 52' 08.5" West 263.03 feet to the Easterly right-of-way line of Old Orlando Road; thence run Southwesterly along said right-of-way line 75.81 feet; thence run North 89' 52' 08.5" East 377.48 feet; thence run North 0' 25' 44" West 60.0 feet; thence run South 89 52'08.5" West 67.80 feet to the Point of Beginning.

LESS AND EXCEPT,

A part of the property described in Official Record Book 692, Page 488, as recorded in the Public Records of Seminole County, Florida, being that portion of Section 29, Township 20 South, Range 30 East, described as follows:

Commencing at the Northwest corner of the Northwest 1/4 of the Southeast 1/4 of said Section 29; thence North 89' 27' 17" East a distance of 260.97 feet along the North line of the Northwest 1/4 of the Southeast 1/4 of said Section 29 to a point on the East Right of Way line of County Road 427 as shown on F.D.O.T. Right of Way Map, Section 77510-2605; thence South 37 11 1 O' 21 " West a distance of 581.08 feet along said East Right of Way line of County Road 427; thence North 520 49' 40" West a distance of 1 0 feet along said East Right of Way line; thence South 370 1 O' 20" West a distance of 45.78 feet along said East Right of Way line to a point on the North line of that parcel of land described in Official Record Book 692, Page 488, of the Public Records of Seminole County, Florida, and to the POINT OF BEGINNING; thence leaving said Right of Way line South 89 11 49' 36" East a distance of 51.86 feet along said North line; to the beginning of a curve concave to the Southeast, having a radius of 4338.38 feet, a central angle of 030 31' 42", and a chord of 267.11 feet that bears South 330 29' 40" West; thence leaving said North line Southwest along the arc of said curve 267.15 feet to a point on the North line of Tract A, Nelson's Lakeview Heights 2<sup>nd</sup> Replat, as recorded in Plat Book 14, Page 27, of the Public Records of Seminole County, Florida and to the end of said curve; thence South 890 44' 37" West a distance of 67.58 feet along said North line of Tract A. to a point on aforementioned Right of Way line and to the beginning on a curve concave to the Southeast, having a radius of 1870.08 feet, a central angle of 040 08' 42", and a chord of 135.23 feet that bears North 350 06' 01" East; thence Northeast along the arc of said curve and said East Right of Way line 135.26 feet to the end of said curve; thence North 371 10' 21" East a distance of 141.28 feet along said East Right of Way line, to the POINT OF BEGINNING.

SUBJECT TO A DRAINAGE AND UTILITY EASEMENT

A part of the property described in Official Record Book 692, Page 488, as recorded in the Public Records of Seminole County, Florida, being that portion of Section 29, Township 20 South, Range 30 East, described as follows:

Commencing at the Southwest corner of Lot 4, Spring Hammock Industrial Park as recorded in Plat Book 19, Page 83 of the Public Records of Seminole County, Florida said point being the East line of the Seaboard Coastline Railroad; thence South 00° 43' 10" East a distance of 67.35 feet along the East line of the Seaboard Coastline Railroad to a point of the South line of the Northeast <sup>1/4</sup> of Section 29, thence leaving said East line, South 89° 27' 17" West a distance of 309.62 feet along said South line of the Northeast <sup>1/4</sup>, thence leaving said South line, North 37° 01' 21" East a distance of 473.21 feet to the beginning of a curve to the Southeast, having a radius of 4338.38 feet, a central angle of 01° 41' 25", and a chord of 127.99 feet that bears South 36° 19' 37" West; thence Southeast along the arc of said curve 127.99 feet; thence South 54° 31' 05" East a distance of 10.03 feet; thence South 35° 28' 55" West a distance of 9.83 feet to a point of the North line of the parcel of land described in Official Record Book 692, Page 488 of the Public Records of Seminole County, Florida and the POINT OF BEGINNING; thence North 89° 49' 36" West a distance of 8.53 feet along said North line; thence leaving said North line South 54° 11' 42" East a distance of 6.96 feet; thence North 35° 28' 55" East a distance of 4.91 feet to a point of the POINT OF BEGINNING.